

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OSRAM OPTO SEMICONDUCTORS GMBH,)	
OSRAM GMBH, DIGITAL LUMENS, INC.)	
AND OSRAM SYLVANIA, INC.,)	
)	
Plaintiffs,)	C.A. No. 19-1616-LPS
)	
v.)	
)	
HEALTH, INC. and)	
LIGHTING SCIENCE GROUP CORP.,)	
)	
Defendants.)	
)	

**SECOND JOINT MOTION TO AMEND THE CASE SCHEDULE
AND SET A NEW TRIAL DATE**

Plaintiffs OSRAM Opto Semiconductors GmbH, OSRAM GmbH, Digital Lumens, Inc. and OSRAM SYLVANIA Inc. (collectively, “Plaintiffs”) and Defendants Health, Inc. and Lighting Science Group Corp. (collectively, “Defendants”) file this joint motion to further amend the case schedule set forth in this Court’s order of May 8, 2020, D.I. No. 32, and reset the trial date.¹

This case continues to be in its early stages. Plaintiffs assert that one or more of Defendants products infringe eight asserted patents. *See, e.g.*, D.I. 1 (Complaint). Seven of the eight asserted patents are assigned to OSRAM Opto Semiconductors GmbH or OSRAM GmbH. OSRAM Opto Semiconductors GmbH and OSRAM GmbH are each organized under the laws of the Federal Republic of Germany and have principle places of business in Regensburg, Germany and Munich, Germany, respectively. Each of the inventors of those seven patents is located in Germany or

¹ Based on presently available information, the Parties’ expectations is that an extension of the fact discovery period to October, 2021 will be sufficient and that no further extensions to the schedule will be necessary.

Northern Italy. Plaintiffs are presently scheduled to produce their initial infringement claim charts on September 18, 2020.

The disruption of ordinary business at the Plaintiffs' companies and travel restrictions caused by the worldwide spread of COVID-19 (i.e. "Coronavirus") continue to prevent Plaintiffs from meaningfully participating in fact discovery. All OSRAM entities, including OSRAM Opto Semiconductors GmbH and OSRAM GmbH, have activated emergency policies requiring all employees who are able to work from home to do so. All OSRAM locations where relevant witnesses and/or documents may be located have imposed severe access restrictions for visitors. Due to these restrictions, the relevant fact witnesses will not be available to assist Plaintiffs in preparing their case or participating in fact discovery.

In addition, the United States is currently included on Germany's travel restriction list. Travel from the United States to Germany is discouraged and anyone entering Germany must quarantine for 14 days upon arrival. OSRAM's company policy, consistent with that of the German authorities, is to discourage travel and enforce the mandatory quarantine. Infection rates in Germany are steadily increasing, and have recently reached the same levels the country saw in April. For this reason, OSRAM anticipates additional measures may be imposed by the German authorities in the near future. These restrictions will prevent Plaintiffs' counsel from facilitating document collection and conducting fact witness interviews at the OSRAM locations where the relevant documents and witnesses are located and there is presently no infrastructure in place to facilitate remote document collection.

The parties therefore request that the deadlines for fact and expert discovery be extended and that trial be rescheduled for November 2022 as follows:

Event	Current Schedule	Proposed Schedule
Plaintiffs responses to Defendants' opening Document Requests and Interrogatories	August 21, 2020 ²	December 18, 2020
Plaintiffs to produce initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes	September 18, 2020	January 15, 2021
Defendant to produce its initial invalidity contentions for each asserted claims as well as the known related invalidating references	October 19, 2020	February 15, 2021
Deadline for motions to join other parties and to amend or supplement the pleadings	November 12, 2020	March 12, 2021
Parties to exchange list of those claim term(s)/ phrases that they believe need construction and their proposed claim construction of those terms/ phrases	December 3, 2020	April 6, 2021
Joint Claim Construction Chart to be submitted	December 17, 2020	April 16, 2021
Initial claim construction briefs due	January 25, 2021	May 24, 2021
Answering/ responsive claim construction briefs due	February 22, 2021	June 21, 2021
Markman Hearing	March 22, 2021 (1 PM)	July __, 2021
Plaintiff to provide final infringement contentions; Substantial completion of document production	March 30, 2021	July 30, 2021
Interim status report	April 13, 2021	August 13, 2021
Defendant to provide final invalidity contentions; final supplementation of identification of accused products and all invalidity references	April 27, 2021	August 27, 2021
Close of fact discovery	June 11, 2021	October 11, 2021
Opening expert reports due	July 16, 2021	November 16, 2021
Rebuttal expert reports due	August 19, 2021	December 19, 2021
Reply expert reports due	September 2, 2021	January 7, 2022
Deadline for expert depositions	October 15, 2021	February 25, 2022
Case dispositive and Daubert motions due	November 12, 2021	March 18, 2022
Hearing on case dispositive and Daubert motions	January 25, 2022 (9 AM)	May __, 2022
Submission of Final Pretrial Order	June 15, 2022	October 14, 2022
Pretrial Conference	July 1, 2022	November __, 2022
Trial (5 days)	July 11, 2022	November __, 2022

² On August 21, the Parties agreed to an interim two week extension of the deadline for Plaintiffs to serve responses to Defendants' opening Document Requests and Interrogatories while the Parties negotiated the deadlines reflected in the chart above.

Due to the unexpected facility closures, access and travel restrictions resulting from the Coronavirus outbreak, counsel believe that good cause exists to further extend the foregoing fact and expert discovery deadlines set forth in the Order of May 8, 2020, D.I. No. 32. Moreover, the request contained herein is not intended for purposes of delay and will not cause any prejudice to any party to this action.

SHAW KELLER LLP

/s/ Nathan R. Hoeschen

John W. Shaw (No. 3362)
Karen E. Keller (No. 4489)
Jeff Castellano (No. 4837)
Nathan R. Hoeschen (No. 6232)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
jcastellano@shawkeller.com

Srikanth K. Reddy
Christie Larochelle
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (617) 570-1000

Neel Chatterjee
Monte Cooper
Lucas Dahlin
GOODWIN PROCTER LLP
601 Marshall Street
Redwood City, CA 94063
Tel.: (650) 752-3100

Attorneys for Plaintiffs

ASHBY & GEDDES LLP

/s/ Andrew C. Mayo

John G. Day (No. 2114)
Andrew C. Mayo (No. 5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
jday@ashbygeddes.com
amayo@ashbygeddes.com

Attorneys for Defendants

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 16.4

In compliance with Local Rule 16.4, I hereby certify that I have sent a copy of this
Unopposed Motion to Amend Scheduling Order to my clients.

/s/ Andrew C. Mayo
Andrew C. Mayo (No. 5207)

/s/ Nathan R. Hoeschen
Nathan R. Hoeschen (No. 6232)